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FOR COURT USE ONLY

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NOV 13 2007

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECOND IMAGE, INC., a California Corporation

Plaintiff(s),

vs.

RON SIN PHOTOCOPY, a California Corporation; CHRISTINA SANCHEZ, an individual ; and DOES 1 through 10

Defendant(s).

CASE NO.: C075242

Honorable Judge Phyllis J. Hamilton

**[PROPOSED] ORDER DISMISSING
PLAINTIFF'S CLAIM BASED UPON
FAILURE TO STATE A CLAIM UPON
WHICH RELIEF CAN BE GRANTED,
LACK OF SUBJECT MATTER
JURISDICTION AND IMPROPER VENUE**

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The motion of Defendant RONSIN PHOTOCOPY came on regularly for hearing by the court on _____. On good cause being shown and proof made to the satisfaction of the court that the motion ought to be granted,

IT IS SO ORDERED that the motion be, and hereby is, granted and that this matter is dismissed based on,

1. Plaintiff's failure to state a claim upon which relief can be granted;
2. This court lacks subject matter jurisdiction; and
3. Venue is improper.

1 IT IS FURTHER ORDERED that the Clerk of Court shall serve copies of the Order on
2 counsel for the parties in this matter.
3

4 Dated: _____
5

6 Phyllis J. Hamilton

7 United States District Judge
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PROOF OF SERVICE

(California Code of Civil Procedure, " 1011, 1013, 2015.5; California Rules of Court, Rule 2008(e))

SECOND IMAGE, INC. V. RONSIN PHOTOCOPY, INC

Case No.: C075242

STATE OF CALIFORNIA)
)
 COUNTY OF SAN FRANCISCO)

I am employed in the county of LOS ANGELES, State of California. I am over the age of 18 and not a party to the within action; my business address is: 1925 Century Park East, Suite 350, Los Angeles, CA 90067.

I served the foregoing document described as **[PROPOSED] ORDER DISMISSING PLAINTIFF'S CLAIM BASED UPON FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED, LACK OF SUBJECT MATTER JURISDICTION AND IMPROPER VENUE** in this action

X by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:
 ___ by placing ___ the original ___ a true copy thereof enclosed in sealed envelopes addressed as follows:

Henry Burgoyne, Esq.
Kronenberger Burgoyne, LLP
150 Post Street, Suite 520
San Francisco, CA 94108

BY PRIORITY MAIL I caused said envelope to be deposited in the U.S. Mail, as follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid, at Los Angeles, California, in the ordinary course of business. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this affidavit.

BY FACSIMILE I served the forgoing document on the office of the addressee pursuant to CRC 2008 at the party's facsimile number shown hereinabove. A transmission report was properly issued by the sending facsimile machine, and the transmission reported as complete without error.

X **BY FEDERAL EXPRESS** I deposited in a box or other facility regularly maintained by Federal Express, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, (copy of the attached document), together with a signed copy of this declaration, in an envelope designated by the said express service carrier, with deliver fees paid or provided for, addressed as listed above.

BY HAND I caused said envelope to be delivered by hand/messenger to the offices of the addressee.

Executed on November 12, 2007 at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Signature):

Print Name: PANTEA RAHBAR

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